

approved laboratory report, or fails to mine after obtaining a permit; (2) the program administrator finds that the operator's actual and attributed annual production of coal for all locations exceeds three hundred thousand (300,000) tons during the twelve (12) months immediately following the date on which the operator is issued the surface coal mining and reclamation permit; (3) the permit is sold, transferred, or assigned to another person and the transferee's total actual and attributed production exceeds the three hundred thousand (300,000) ton production limit during the twelve (12) months immediately following the date on which the permit was originally issued. Under this subdivision, the applicant and its successor are jointly and severally obligated to reimburse the regulatory authority; or (4) the applicant does not begin mining within six (6) months after obtaining the permit.

(b) The program administrator may waive the reimbursement obligation if he or she finds that the applicant at all times acted in good faith.

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Indiana program.

#### Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

#### Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.D.T. on June 14, 1995. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests and opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM

officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

#### Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

### IV. Procedural Determinations

#### Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

#### Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards or subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

#### National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

#### Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject to this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relief upon the data and assumptions for the corresponding Federal regulations.

#### List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 23, 1995.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 95-13157 Filed 5-26-95; 8:45 am]

BILLING CODE 4310-05-M

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 914

[IN-126; Amendment Number 95-9]

#### Indiana Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Indiana regulatory program (hereinafter referred to as the "Indiana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the addition of six definitions to the Indiana Administrative Code (IAC) at 310 IAC 12. These definitions pertain to acid mine drainage; augmented seeding, fertilization, or irrigation; high level management; public building; randomly located; and support facility. The proposed amendment is intended to revise the Indiana program to be consistent with the corresponding Federal regulations.

**DATES:** Written comments must be received by 4:00 p.m., e.d.t. June 29, 1995. If requested, a public hearing on the proposed amendment will be held on June 26, 1995. Requests to speak at the hearing must be received by 4:00 p.m., e.d.t. on June 14, 1995.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to Roger W. Calhoun, Director, Indianapolis Field Office at the first address listed below.

Copies of the Indiana program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Indianapolis Field Office.

Roger W. Calhoun, Director,  
Indianapolis Field Office, Office of  
Surface Mining Reclamation and  
Enforcement, Minton-Capehart  
Federal Building, Room 301,  
Indianapolis, Indiana 46204,  
Telephone: (317) 226-6166  
Indiana Department of Natural  
Resources, 402 West Washington  
Street, Room C256, Indianapolis,  
Indiana 46204, Telephone: (317) 232-  
1547

**FOR FURTHER INFORMATION CONTACT:**  
Roger W. Calhoun, Director,  
Indianapolis Field Office, Telephone:  
(317) 226-6166.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Background on the Indiana Program**

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in

the July 26, 1982, **Federal Register** (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

#### **II. Discussion of the Proposed Amendments**

By letter dated May 11, 1995, the Indiana Department of Natural Resources (IDNR) submitted a proposed amendment to its program pursuant to SMCRA (State program amendment number 95-9, administrative record No. IND-1469). Indiana submitted the proposed amendment at its own initiative. Amendment number 95-9 consists of the addition of six definitions to article 310 IAC 12-0.5. The full text of the six definitions is shown below.

##### **1. 310 IAC 12-0.5-2 "Acid Drainage" defined**

"Acid drainage" means water with a Ph of less than six (6.0) and in which total acidity exceeds total alkalinity, discharged from an active, inactive, or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

##### **2. 310 IAC 12-0.5-14 "Augmented Seeding, Fertilization, or Irrigation" Defined**

"Augmented seeding, fertilization, or irrigation" means seeding, fertilizing, or irrigating in excess of normal agronomic practices within the region.

##### **3. 310 IAC 12-0.5-57 "High Level Management" defined**

"High level management" means that the following agronomic practices must be implemented:

(1) Using cropping systems that help maintain good tilth and high organic matter content.

(2) Controlling erosion through conservation and water management practices so that the quality of the soil is maintained or improved rather than reduced.

(3) Applying lime and fertilizer in accordance with soil test recommendations of the state agricultural experiment station for targeted yields of reference crops.

(4) Using crop residue to the fullest extent practicable to protect and improve the soil.

(5) Following conservation tillage practices were needed to reduce the hazards of soil compaction and erosion.

(6) Using only the crop varieties that are adapted to the climate and the soil.

(7) Controlling weeds, plant diseases, and harmful insects by currently accepted management techniques.

(8) Draining wet areas using surface or subsurface drainage systems so that excess water on or in the soil does not restrict yields of adapted crops.

##### **310 IAC 12-0.5-95 "Public Building" defined**

"Public building" means a structure that is owned by a public agency or used principally for public business meetings or other group gatherings.

##### **310 IAC 12-0.5-99 "Randomly Located" defined**

"Randomly located" means the selection of a location that is statistically independent of all previous and future location selections.

##### **310 IAC 12-0.5-123 "Support Facility" defined**

(a) "Support facility" means a facility resulting from, or incidental to, an activity identified in section 125(1) of this rule and the area upon which the facility is located.

(b) As used in subsection (a), "resulting from or incidental to" connotes an element of proximity to the activity.

(c) A support facility includes the following:

- (1) Mine buildings.
- (2) Bath houses.
- (3) Coal loading facilities.
- (4) Coal crushing and sizing facilities.
- (5) Coal storage facilities.
- (6) Equipment and storage facilities.
- (7) Fan buildings.
- (8) Hoist buildings.
- (9) Sheds, shops, and other buildings.
- (10) Facilities used to treat and store water for mine consumption.

(11) Railroads, surface conveyor systems, chutes, aerial tramways, and other transportation facilities, but not including roads.

#### **III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Indiana program.

##### **Written Comments**

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

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are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 has been met.

### National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed States regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

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### List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 23, 1995.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 95-13158 Filed 5-26-95; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 721

[OPPTS-50582L; FRL-4919-6]

RIN 2070-AB27

### 1,3-Propanediamine, *N,N'*-1,2-Ethanediyldis-, Polymer with 2,4,6-Trichloro-1,3,5-triazine, Reaction Products with *N*-butyl-2,2,6,6-tetramethyl-4-piperidinamine; Proposed Modification of Significant New Use Rules

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to modify the significant new use rules (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 1,3-propanediamine, *N,N'*-1,2-ethanediyldis-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with *N*-butyl-2,2,6,6-tetramethyl-4-piperidinamine, based on a modification to the TSCA 5(e) consent order regulating the substance. **DATES:** Written comments must be received by EPA on or before June 29, 1995.

**ADDRESSES:** All comments must be sent in triplicate to: TSCA Document Receipt Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-G99, 401 M St., SW., Washington, DC 20460. Comments that are confidential must be clearly marked confidential business information (CBI). If CBI is claimed, three additional sanitized copies must also be submitted. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Comments should include the docket control number. The docket control number for the chemical substance in this SNUR is Unit IV. of this preamble contains additional information on submitting comments containing CBI.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: [ncic@epamail.epa.gov](mailto:ncic@epamail.epa.gov). Electronic comments must be submitted as an ASCII file avoiding the use of special